

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI, OXFORD DIVISION

HENRY FRANK HALL,

Plaintiff,

v.

Cause No. 3:14cv046-DMB-SAA
JURY DEMANDED

**LIBERTY MUTUAL GROUP, INC.,
THE OHIO CASUALTY INSURANCE COMPANY,
MONTGOMERY INSURANCE, LIBERTY MUTUAL
INSURANCE, FICTITIOUS DEFENDANTS X, Y, AND Z,**

Defendants.

NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. §1441 ET SEQ.

Defendants , Liberty Mutual Group, Inc., The Ohio Casualty Insurance Company, Montgomery Insurance, and Liberty Mutual Insurance (hereinafter referred to as "Defendants"),¹ hereby file this Notice of Removal of the above-captioned action from the Circuit Court of Panola County, Mississippi to this Court and state as follows:

1.

Defendants are named Defendants in Civil Action No. 2014—14JMP2, filed on January 24, 2014, in the Circuit Court of Panola County, Mississippi. Plaintiff Henry Frank Hall seeks recovery against the Defendants for injuries allegedly sustained in a motor vehicle accident which occurred in Panola, County, Mississippi, on or about February 9, 2011. A copy of Plaintiff's Complaint is attached hereto as Exhibit "A."

¹ The Ohio Casualty Insurance Company is the correct underwriting entity, and the remaining Defendants will be moving for dismissal.

2.

Defendants were served with a copy of the Complaint and Summons in the state court action on January 30, 2014.

3.

Notice of Removal is being filed with this Court within thirty (30) days after Defendants received a “copy of an . . . other paper” from which it was first ascertained that the action was and had become removable. 28 U.S.C. 1446(b).

4.

According to the Complaint, Plaintiff, Henry Frank Hall, is a resident of Baldwyn, Lee County, Mississippi.

5.

The Liberty Mutual Group, Inc. is a Massachusetts insurance corporation having its principal place of business located at 175 Berkeley Street, Boston, Massachusetts 02116. The Ohio Casualty Insurance Company, Montgomery Insurance Company, and/or Liberty Mutual Insurance are all members and/or subsidiaries of the Liberty Mutual Group, Inc.

6.

This Court has subject matter jurisdiction on this action pursuant to 28 U.S.C. § 1332, as complete diversity exists in this case. Diversity of citizenship exists between Plaintiff and Defendants.

7.

The Seventy Five Thousand Dollar (\$75,000.00) amount in controversy requirement is satisfied in this case. The Complaint seeks a judgment in the amount of One Million Dollars (\$1,000,000.00) for damages for the injuries sustained by Plaintiff.

8.

Venue of this removal action is proper pursuant to 28 U.S.C. § 1441(b), as this Court is the United States District Court for the district and division where the lawsuit is currently pending.

9.

As the Defendants cannot practically obtain a complete copy of the entire state court record by the date of removal, it will electronically file a copy of the Panola County Circuit Court file in Civil Action No. CV2014-14JMP2 within fourteen days, in accordance with L.R. 5(b) and Admin. P. Elex. Case Filing § 3(B)(3).

10.

Contemporaneous with the filing of this Notice of Removal with this Court, Defendants have provided Notice of Removal to the Plaintiff, through his counsel of record in the state court action, as required by 28 U.S.C. § 1446(d), as well as notice to the Clerk of the Circuit Court for the Panola County, Mississippi. (Copies of said documents are attached hereto as Exhibit "B").

Wherefore, without waiving and in preserving all objections and motions, Defendants respectfully requests that this Court now remove this Civil Action from the Circuit Court of Panola County, Mississippi, and that further proceedings now be conducted in the United States District Court for the Northern District of Mississippi, Oxford Division, as provided for and consistent with the laws of the United States.

Respectfully submitted,

LEITNER WILLIAMS DOOLEY & NAPOLITAN

By: /s/ Jay M. Atkins

JAY M. ATKINS, #100513

CANDICE C. HARGETT, #101735

Attorneys for Defendants
317 Heritage Drive, Suite 3
Oxford, MS 38655
(662)-236-7705
(662)236-7706 (fax)
jay.atkins@leitnerfirm.com
candice.hargett@leitnerfirm.com

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that the foregoing document has been served, via U.S. Mail, postage prepaid on this the 28th day of February, 2014, to the following:

John A. Ferrell
P.O. Box 146
Booneville, Mississippi 38829

/s/ Jay Atkins
JAY ATKINS